

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER EMMANUEL
MARSHALL HIGGINS,

Defendant.

CR-17-08-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Christopher Emmanuel Marshall Higgins appeared before United States Magistrate Judge John Johnston on April 18, 2017, and entered a plea of guilty to one count of Assault Resulting In Serious Bodily Injury. Judge Johnston entered Findings and Recommendations on the same day. (Doc. 25.)

Judge Johnston determined: (1) that Higgins was fully competent and capable of entering an informed and voluntary plea; (2) that Higgins was aware of the nature of the charges against him and the consequences of pleading guilty to Assault Resulting In Serious Bodily Injury as charged in the Indictment; (3) that Higgins understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty; and (4) that Higgins's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing

each of the essential elements of the offense charged in Count I of the Indictment.

Id. at 1-2.

Judge Johnston recommended that this Court accept Higgins's plea of guilty to Assault Resulting In Serious Bodily Injury as charged in the Indictment. *Id.* at 2. Neither party filed objections. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error.

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 25) is **ADOPTED IN FULL**. Higgins's Motion to Change Plea (Doc. 20) is **GRANTED**.

DATED this 3rd day of May, 2017.



Brian Morris
United States District Court Judge